



INTERIOR BOARD OF INDIAN APPEALS

Thomas L. Morrison and Vicki LeCornu v. Juneau Area Director,
Bureau of Indian Affairs

29 IBIA 194 (05/30/1996)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

THOMAS L. MORRISON and
VICKI LeCORNu,
Appellants

v.

JUNEAU AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Dismissing Appeal as Moot
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:
:
: Docket No. IBIA 95-9-A
:
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:
: May 30, 1996

Appellants Thomas L. Morrison and Vicki LeCornu sought review of an August 30, 1994, decision issued by the Juneau Area Director, Bureau of Indian Affairs (Area Director; BIA), concerning recognition of the governing body for the Hydaburg Cooperative Association (Association). This appeal was originally stayed while, at the Board's request, the Area Director attempted to mediate a settlement. Settlement efforts were unsuccessful.

Upon beginning review of this appeal, the Board requested the Area Director to provide it with a statement as to what, if any, governing body was currently recognized for the Association, and the means through which that governing body was determined. The Area Director provided a list of the Association's currently recognized President and Council Members, and stated that the governing body was elected at an April 17, 1995, election.

The Board informed appellants that it had held that a valid tribal election held during the pendency of an appeal renders moot prior questions concerning tribal leadership. It further provided them with a copy of its decision in Hamilton v. Acting Sacramento Area Director, 29 IBIA 122, recon. denied, 29 IBIA 188 (1996), in which it held that the party opposing a dismissal on the grounds of mootness bears the burden of showing that: (1) the subsequent election was determined to be invalid in a tribal forum; (2) a challenge to the subsequent election was pending in a tribal forum; (3) BIA had declined to recognize the results of the subsequent election; or (4) an appeal from BIA's recognition of the results of the subsequent election was pending.

The Board gave appellants until April 26, 1996, to make the showing necessary to avoid a dismissal of their appeal on the grounds of mootness. No response has been received.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal from the Juneau Area Director's August 30, 1994, decision is dismissed as moot.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

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Anita Vogt
Administrative Judge